

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NORTH DAKOTA

In re:)	
)	
BOURBON STREET LLC)	Case No. 23-30246
d/b/a La Cantina, et al)	(Chapter 11)
)	Jointly Administered
)	
Debtor.)	

In re:)	
)	
PETRI ENTERPRISES, LLC	)	Case No. 23-30247
	)	(Chapter 11)
	)	Jointly Administered
)	
Debtor.)	

In re:)	
)	
GANNETT PEAK, LLC	)	Case No. 23-30248
	)	(Chapter 11)
	)	Jointly Administered
)	
Debtor.)	

OBJECTION TO MOTION TO ENTER LEASE AGREEMENTS WITH INSIDERS

Alerus Financial, N.A., (“Alerus”) a creditor of the above-named debtors Petri Enterprises, LLC, and Gannett Peak, LLC, by and through its undersigned counsel, and hereby objects to the Motion to Enter Lease Agreements with Insiders, filed by the Debtors on September 12, 2023 (Doc. # 82 and hereafter referred to as “Motion”), upon the following grounds:

1. Alerus objects to the Motion to the extent it would modify any mortgage, lien, or interest that Alerus has under its Mortgages and Assignment of Rents identified below:

- a. Mortgage dated April 12, 2019, from Mark D. Petri, a single person, to Alerus Financial, N.A., recorded with the Traill County Recorder on April 17, 2019, as Document No. 191895, encumbering the real estate located in Traill County, North

Dakota: Lots 19, 20, and 21, Block 27, of the Original Townsite of Mayville, Traill County, North Dakota.

- b.** Assignment of Rents dated April 12, 2019, from Mark D. Petri, a single person, to Alerus Financial, N.A., recorded with the Traill County Recorder on April 17, 2019, as Document No. 191896, encumbering the real estate located in Traill County, North Dakota: Lots 19, 20, and 21, Block 27, of the Original Townsite of Mayville, Traill County, North Dakota.
- c.** Mortgage dated May 19, 2022, from Wyoming Flatts LLC, to Alerus Financial, N.A., recorded with the Walsh County Recorder on May 26, 2022, as Document No. 300752, encumbering the real estate located in Walsh County, North Dakota: Lots 9, 10, 11 and 12, Block 11, Original Townsite of the City of Grafton, Walsh County, North Dakota.
- d.** Assignment of Rents dated May 19, 2022, from Wyoming Flatts LLC, to Alerus Financial, N.A., recorded with the Walsh County Recorder on May 26, 2022, as Document No. 300753, encumbering the real estate located in Walsh County, North Dakota: Lots 9, 10, 11 and 12, Block 11, Original Townsite of the City of Grafton, Walsh County, North Dakota.

2. Alerus objects to the court entering any order that may limit or restrict Alerus's non-bankruptcy remedies under its mortgages and assignment of rents, particularly as to term, repayment schedules, or priority status of the leases vis-à-vis Alerus's mortgages and assignment of rents, the status of the non-debtor mortgagors' current defaults, either monetary or nonmonetary, or any other matter related to the mortgages and assignment of rents.

3. Alerus objects that the leases establish any type of order permitting the leases that would impair Alerus's rights or remedies available under its mortgages and assignment of rents.

4. Alerus objects to the Motion in that the notice period applicable is not clear. The Motion indicates that there is a 21-day response period, and thus, under the notice provided with the Motion itself, this objection is filed within that 21 day period.

WHEREFORE, Alerus respectfully requests that this Honorable Court issue an Order DENYING Debtors' Motion; and for such other and further relief as this Court deems just and proper.

Dated: October 3, 2023

/s/ John D. Schroeder

JOHN D. SCHROEDER, ND ID #07147

Zimney Foster P.C.

3100 S. Columbia Road, Suite 200

Grand Forks, ND 58201

Phone: 701.772.8111 Fax: 701.772.7328

jschroeder@northdakotalaw.net

Attorneys for Alerus Financial, N.A.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NORTH DAKOTA

In re:)	
	)	Case No. 23-30246
BOURBON STREET LLC	)	(Chapter 11)
d/b/a La Cantina, et al	)	Jointly Administered
)	
Debtor.)	
<hr/>		
In re:)	
	)	Case No. 23-30247
PETRI ENTERPRISES, LLC	)	(Chapter 11)
	)	Jointly Administered
)	
Debtor.)	
<hr/>		
In re:)	
	)	Case No. 23-30248
	)	(Chapter 11)
GANNETT PEAK, LLC	)	Jointly Administered
)	
Debtor.)	
<hr/>		

DECLARATION OF SERVICE

KAREN SYRSTAD, a legal assistant in the office of Zimney Foster P.C., 3100 South Columbia Road, Ste. 200, Grand Forks, ND 58201, is of legal age and not a party to or interested in the above-entitled matter and declares, that on October 3, 2023, she served the following:

- 1. OBJECTION TO MOTION TO ENTER LEASE AGREEMENTS WITH INSIDERS**
- 2. THIS DECLARATION OF SERVICE**

to the people who are Filing Users, by automatic e-mail notification pursuant to the Electronic Case Filing System and this notice constitutes service.

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: October 3, 2023 at Grand Forks, North Dakota

/s/ Karen Syrstad
KAREN SYRSTAD